

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Stephen Bain,	:
Plaintiff,	:
	:
v.	: File No. 2:08 CV 110
	:
Robert Hofman, Andrew Pallito,	:
Carol Callea, Peter Potanas,	:
Howard Brooks, Matthew Viens,	:
Vermont Department of	:
Corrections, John Ferguson,	:
Corrections Corporation of	:
America, Lee Adjustment Center,	:
Randy Stovall, Donna Stivers,	:
David Frye, Donald Edwards,	:
Dr. James Hurm, Dr. Lippmenn,	:
James Ingerson, John and Jane	:
Doe,	:
Defendants.	:

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed December 17, 2008. After careful review of the file and the Magistrate Judge's Report and Recommendation, no objections having been filed by any party, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report.

The motion to dismiss defendants Callea, Potanas, Brooks, Viens and the Vermont Department of Corrections (Paper 24) are GRANTED, and that the motion to dismiss defendants Robert Hofman and Andrew Pallito (Paper 21) is also GRANTED. As to the motion to dismiss the remaining defendants (Paper 21), that

motion is GRANTED to the extent that it seeks a transfer of venue, and DENIED to the extent that it seeks the dismissal of all claims. It is further ORDERED that the claims against the remaining defendants be TRANSFERRED to the United States District Court fo the Eastern District of Kentucky pursuant to 28 U.S.C. §1406. The Motion for joinder of parties (Paper 28) is DENIED without prejudice.

Dated at Burlington, in the District of Vermont, this 31st day of March, 2009.

/s/ William K. Sessions III
William K. Sessions III
Chief Judge